

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA

vs.

UNITED STATES OF AMERICA,
Plaintiff

*
*
*
*
*

vs.

Case No.: 97CR-41 (CCC)

MEDINA-OCASIO, Rafael José
Defendant

*

**MOTION NOTIFYING VIOLATIONS OF
SUPERVISED RELEASE CONDITIONS AND THE REQUEST
FOR THE ISSUANCE OF A SUMMONS**

TO THE HONORABLE CARMEN CONSUELO CEREZO
U.S. DISTRICT JUDGE
DISTRICT OF PUERTO RICO

COMES NOW, MIRIAM FIGUEROA, U.S. PROBATION OFFICER of this Court,
presenting an official report on the conduct and attitude of releasee, Rafael Medina-Ocasio, who
on March 17, 1998, was sentenced to seventy (70) months of imprisonment after pleading guilty
of violating Title 21, U.S. Code, Section 841(a)(1) and Title 18, U.S. Code, Section 2, to be followed
by a five (5) year supervised release term. A special monetary assessment in the amount of \$100.00
was also imposed. As a special condition the offender was ordered to enroll in drug aftercare
treatment. On June 21, 2002, offender was released from confinement.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR
CAUSE AS FOLLOWS:**

Since his release from custody, the offender has violated the following supervision
conditions:

1. CONDITION NO. 2 - "YOU SHALL REPORT TO THE PROBATION OFFICER AND SHALL SUBMIT A TRUTHFUL AND COMPLETE WRITTEN REPORT WITHIN THE FIRST FIVE DAYS OF EACH MONTH."

The offender has failed to provide urine specimens on October 21 and 28, 2005; November 2, 23 and 30, 2005; December 20 and 29, 2005; January 4 and 19, 2006; March 17, 2006; April 11, 2006; May 11, 22, 23, and 25, 2006; and June 9 and 16, 2006. According to our code-a-phone (surprise urine) program policy, all of the above none-compliance constitute a positive urine sample.

2. CONDITION NO. 7 - "YOU SHALL REFRAIN FROM EXCESSIVE USE OF ALCOHOL AND SHALL NOT PURCHASE, POSSESS, USE, DISTRIBUTE, OR ADMINISTER ANY CONTROLLED SUBSTANCE OR ANY PARAPHERNALIA RELATED TO ANY CONTROLLED SUBSTANCES, EXCEPT AS PRESCRIBED BY A PHYSICIAN."

The offender tested positive to cocaine on August 29, September 6 and 15, 2005. As such, on September 22, 2005, offender was referred to an ambulatory drug treatment program. However, on November 30, 2005, offender again tested positive to cocaine and on February 6, 2006, offender admitted being positive to cocaine, thus, was referred to a 15 day detox program. It is important to note that urine samples taken on November 23, 2005 and January 20, 2006, resulted to be diluted.

3. SPECIAL CONDITION - "IF ANY DRUG TEST SAMPLES DETECT SUBSTANCE ABUSE, THE DEFENDANT SHALL PARTICIPATE IN A SUBSTANCE ABUSE PROGRAM ARRANGED AND APPROVED BY THE PROBATION UNTIL DULY DISCHARGED BY AUTHORIZED PROGRAM PERSONNEL WITH THE APPROVAL OF THE U.S. PROBATION OFFICER."

On February 22, 2006, after offender completed his 15 day detox program, he was reinstated to an ambulatory drug treatment program wherein he was referred to individual counseling once a week. As of this date, of eighteen individual counseling sessions he should have attended, he has

only complied with eight. Offender's compliance with his individual counseling sessions at present and prior to his reinstatement, are erratic.

WHEREFORE, I declare under penalty of perjury that the above aforementioned is true and correct. In view that the offender violated his conditions it is respectfully requested, unless ruled otherwise, that a summons be issued so that the offender may be brought before this Court to show cause why his supervision term should not be revoked. Thereupon, he be dealt with pursuant to law.

In San Juan, Puerto Rico, this 22nd day of June 2006.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

s/Miriam Figueroa
U.S. Probation Officer
Federal Office Building, Room 400
150 Chardon Avenue
San Juan, P.R. 00918-1741
Tel. 787-281-4980
Fax 787-766-5945
miriam_figueroa@prp.uscourts.gov

CERTIFICATE OF SERVICE

I HEREBY certify that on June 22, 2006, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Jacabed Rodríguez, U.S. Attorney, U.S. Attorney's Office, Chardón Tower, Suite 1201, 350 Carlos Chardón Street, San Juan, P.R. 00918 and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participant: Francisco Acevedo-Padilla, Esq., Asociación de Maestros Building, Suite 603, Hato Rey, Puerto Rico 00918.

In San Juan, Puerto Rico, this 22nd day of June 2006.

s/Miriam Figueira
U.S. Probation Officer
Federal Office Building, Room 400
150 Chardon Avenue
San Juan, P.R. 00918-1741
Tel. 787- 281-4980
Fax 787-766-5945
miriam_figueira@prp.uscourts.gov